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SUBJECT: Toronto Terror Trials: More Charges Dismissed, 11 Remain in the Dock

Ref: (A) Toronto 85 (B) 2007 Toronto 440

Sensitive but Unclassified-Please Protect Accordingly

1. (SBU) SUMMARY: On April 15 Canadian government prosecutors stayed terrorism-related charges against four more suspects in the 2006 "Toronto 18" terror plots. The move reduces the number of suspects facing charges to 11 (charges against three minors were stayed earlier). Consulate law enforcement contacts suggest that the decision may be an attempt to focus charges only on those individuals who appear to be most directly involved in the summer 2006 plots, and away from more tangential figures. Crown prosecutors have been cautious throughout, perhaps reflecting a desire that the first prosecutions under strengthened Canadian anti-terror laws produce no surprises or embarrassment. END SUMMARY.

2. (SBU) On April 15, Canadian federal ("Crown") prosecutors stayed charges against three of the accused, Abdul Qayyum Jamal, Ibrahim Aboud, and Ahmad Ghany. The three Toronto area residents signed a peace bond with strict bail conditions on their activities and travel, which if abided by, will lead to the final dismissal of all charges in 12 months. A fourth accused member of the group (Abdi Mohammed, who was in jail on weapons charges at the time of the initial wave of arrests in 2006) also had his charges stayed, but was not required to sign a bond. The decision to stay charges against Jamal was surprising, as he had been previously described as a ringleader and terrorist recruiter, and had spent 13 months in solitary confinement. Crown prosecutors offered no explanation for the move, indicating simply that their decision to proceed in this manner best served the public interest.

3. (SBU) COMMENT: Despite media crowing that the decision is highly damaging to the Crown, the decision to effectively drop charges against four individuals does not necessarily call into question the integrity of the remaining proceedings. When they feel the evidence warrants it, prosecutors have not been reluctant to take the cases to trial, as in the ongoing trial of one of the accused (Ref (A)) and in the decision in the fall of 2007 to terminate preliminary proceedings and move directly to trial on all remaining cases (Ref (B)). The Crown appears to be drawing a distinction between individuals who attended what prosecutors describe as a "terrorist training camp" in rural Ontario in the winter of 2005 and those who were allegedly more directly involved in the plot to purchase explosive material and attack Canadian landmarks in Ottawa and Toronto. END COMMENT.

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